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AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

MARCH 19, 2020

THE HONORABLE BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
50 WALNUT STREET
NEWARK, NEW JERSEY 07102

Re: Steven Bradley Mell v. United States, Docket No. 20-CV-2277 (BRM)

Dear Judge Martinotti:

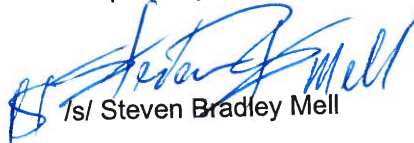
Petitioner respectfully submits this letter to call to the Court's attention authority which he believes control the Court's decision on his motion to vacate his conviction and sentence [28 U.S.C. 2255] ("Section 2255 Motion").

In his Section 2255 Motion, Petitioner argued that he was denied effective assistance of counsel when his retained attorney failed to seek dismissal of the complaint and/or information on the ground that the Government's failure to return and indictment or file an information within thirty days of his arrest violated the Speedy Trial Act, entitling him to dismissal of the charges. See, Section 2255 Motion at 6-7. The delay in filing the information is certain to be attributed to a waiver by Petitioner, although Petitioner was unaware that he had a right to have an indictment or information returned within thirty days of his arrest.

In *United States v. Zuniga*, Docket No. 2:18-CR-224 (BRM), 2020 U.S. Dist. LEXIS 2807, at *10 (D.N.J. Jan. 8, 2020), your Honor held that "[t]he Court agrees that 'a defendant may not prospectively waive the application of the [Speedy Trial] Act.'" *Id.* (quoting *Zedner v. United States*, 547 U.S. 489, 503 (2006)).

In view of the Court's position taken in *Zuniga*, which is consistent with well-settled law, the information filed in this case was filed outside of the time required by the Speedy Trial Act, and counsel's failure to seek dismissal deprived this Petitioner of the counsel guaranteed by the Sixth Amendment. Consequently, the Court should take notice of its recent opinion and apply that holding to the issues raised in petitioner's Section 2255 Motion.

Respectfully submitted,


/s/ Steven Bradley Mell

Steven Bradley Mell

cc: U.S. Attorneys Office (District of New Jersey)